

REED'S CLAIM WAS DENIED

SALEM, Or., April 5.—Ex-Fish Commissioner F. C. Reed today took the first formal step in determining his official standing by filing in the office of the Secretary of State a claim for his salary for the quarter ending March 31. The claim was for \$250. Secretary of State Dunbar allowed the claim in the sum of \$187.67, for the months of January and February, but disallowed the remainder, for the reason that the office of Fish Commissioner was abolished by the Legislature. The salary bill was filed by the Governor February 23, and the Secretary of State holds that Mr. Reed went out of office immediately. In all probability Mr. Reed will in a few days begin a mandamus proceeding to test the question of his right to remain in office.

While Mr. Reed has given but few hints of his view of the new fish law, it is surmised that he will contend that the whole law is inoperative because of inconsistencies; that if it shall be held valid, it still does not repeal the former law under which he holds office, and that if it does repeal part of the old law, it leaves the remainder in force. It is expected that there is some express provision to that effect.

Since all the matters involved are purely matters of law and would involve no trial of questions of fact, it has been seen that a suit to determine the validity of the new law can be taken through the Circuit and Supreme Courts with little delay or expense.

SOME MISAPPROVED POINTS IN LAW

The new fishery law has been the subject of many criticisms, and its terms have often been misunderstood. It has several things been stated that the law forbids fishing for salmon at any time and in any manner except with hook and line. This is not the case. The law prohibits fishing for salmon at any time and in any manner except with hook and line, except where salmon are found in the Columbia River or any of its tributaries east of its confluence with the Deschutes River.

It will be observed that the limitation to fishing with hook and line applies only east of the Deschutes, and that on spawning grounds east of the Deschutes, not even hook-and-line fishing is permitted. Had the punctuation of this section been different, the prohibition might have been absolute. For example, if the comma after "angling" had been a semicolon, it would extend the provision and shut off the limitation to those rivers east of the Deschutes. An extreme and far-fetched construction of the sentence might hold that the prohibition terminates with the word "angling," but in order to do this one must shut his eyes to all the other sections making similar provisions. Section 4 provides that it shall be unlawful to fish for salmon by any means whatever, except with hook and line, commonly called angling, in the Willamette River or its tributaries above the falls at Oregon City, and so with other sections. The evident intent is to prohibit fishing, except by rod and line, in all the small streams which fish seldom frequent and where they go to spawn. With this purpose in view, the intent of the Legislature could not be misconstrued so far as section 4 is concerned, though the effect of the punctuation be disregarded.

Section 2 of the fish law says: "It shall be unlawful to take or fish for salmon in any river or its tributaries in the State of Oregon, or any waters over which the state has concurrent jurisdiction, except as hereinafter provided." It has been asserted that, after this provision, any authority for fishing must be given in affirmative language, and, if not so given, the prohibition is absolute. It is contended that since the Legislature made a sweeping prohibition, "except as hereinafter provided," the affirmative provisions must be that "it shall be lawful" in certain cases, or that fishing "may" be carried on under certain conditions. All the sections on this subject after section 2 provide that "it shall be unlawful" to fish in certain streams except at certain times. It is argued that these words of exception do not counteract the general prohibition, and hence there is an inconsistency which will render the law inoperative.

FISHERMEN WILL ASSIST TO PREVENT ILLEGAL FISHING ON CLACKAMAS AND WILLAMETTE

OREGON CITY, Or., April 5.—The fishermen of the Clackamas River have made an agreement with Water Bailiffs McCown and Smith, by which illegal fishing will be stopped. It is as follows: "We, the undersigned fishermen of the Clackamas River, hereby pledge ourselves to do no fishing on the Clackamas River or any river over which the State of Oregon has jurisdiction, during the closed season. We further pledge that we will allow the water bailiffs the use of our boats at any time during the closed season, and also give any information in regard to any illegal fishing of which we may know."

STRIKE IS EXPECTED

Tunnel in Justice Mine Said to Be Near the Edge.

VANCOUVER, Wash., April 5.—Vancouver stockholders in the Justice mine are awaiting with interest reports from the property, which is located in the famous San Poil mining district in Ferry County, Washington.

EX-LIEUTENANT-GOVERNOR THURSTON DANIELS, OF THIS CITY, IS VICE-PRESIDENT OF THE JUSTICE MINING COMPANY.

Late news just received by him from the president and manager of the mine is to the effect that the long tunnel on the property, begun a year ago to open up the mine on a lower level, is very near the ledge. The Justice mine carries a true feature vein, both walls being of polished granite. Some time since a tunnel was run on the property, cutting the ledge at a vertical depth of 90 feet. At this point the ore assayed \$12.85 and the ledge was 12 feet 4 inches wide. A winze was put down on the vein at the end of the tunnel a distance of 11 feet, when water compelled temporary suspension of work. When development came to a close the bottom of the shaft was in ore, samples of which were sent to Denver for treatment. The company at once began to run a tunnel to cut the ore body at a vertical depth of 225 feet. The granite formation made development slow. Considering the nature of the ore in the upper workings of the mine and the rapid improvement in values with depth, the Vancouver stockholders are not at all discouraged, but hope for a rich strike in the lower tunnel. Spokane, Denver and Portland assayers have pronounced the Justice ore

EXCESSIVELY DESIRABLE FOR EITHER CONCENTRATION OR SMELTER TREATMENT.

The present tunnel on the Justice is to be the main tunnel of the mine. Three hundred feet of steel rails have been laid and steel ore car and Jackson power drill installed. This tunnel will, until the lower levels are opened up, provide ample drainage. The company has expended over \$400 on the property and will soon apply for a patent from the Government.

THE EXISTING POSSIBILITIES OF THE SOUTH HALF OF THE COVILLE RESERVATION ARE PROBABLY BEING CONSIDERED BY THE SECRETARY OF THE INTERIOR.

The existing possibilities of the south half of the Coville reservation are probably being considered by the Secretary of the Interior in the Pacific Northwest. The area of this district are treated at the smelters at Trail, Grand Forks and other points in British Columbia and at Northport, Wash., while certain quantities find their way to Tacoma and Everett. If Portland had a smelter there is no reason why it could not secure a large share of the ore of this marvellously rich district.

AIKEN MURDER TRIAL

Effort Made to Impair Testimony of State Witnesses.

HILLSBORO, Or., April 5.—The State rested its case in the Aiken murder trial this morning, and the defense immediately introduced testimony to impeach Witness Woodard. Woodard testified that after the murder Aiken called his saloon in Portland and told him that "Henry had killed a Chin." Wan Jim, a Celestial who lived with the dead Chinaman, and Louis How, testified that Aiken went to the saloon of Wan Jim, and when he tried to get out that the defendant grabbed him. He swore that he was positive Aiken was the man. These three witnesses are the ones upon whose evidence the State hopes to convict.

The defense, for purposes of impeachment, examined Attorney Walter Wolf, M. J. McMahon, Claude Strahan and Fitzgerald, as to Woodard's reputation in Portland. All swore that it was bad. During the examinations it transpired that Woodard had been charged with burglary in Multnomah County, and had pleaded guilty when the charge was reduced to petit larceny.

Mr. Wolf, who with his husband, keeps the Tacoma House, testified that he would not believe his husband under oath. She admitted having tried to dissuade her husband from testifying in the case, and she made a trip to see Aiken after he had been incarcerated in the Washington County jail.

The deposition of Bertha Craig, of Portland, was read in court. She testified that she was with Aiken on the nights of December 3 and 11, but that she was never out with him on any of these two occasions.

The defendant was placed on the stand and denied any knowledge of the crime. He testified that he was with the Craig woman on two Monday evenings, the first being December 1, and the second being December 3. There will be rebuttal to follow the defense, and the case will probably go to the jury late this evening, or tomorrow forenoon.

GOVERNMENT WANTS HATCHERY

Will Agree to Operate Siletz Plant to Full Capacity.

ASTORIA, Or., April 5.—Master Fish Warden H. G. Van Dusen has received a letter from E. N. Carter, connected with the United States Fish Commission, and stationed at Oregon City, making a request that the Siletz River hatchery, belonging to the state, be turned over to the Government upon a guarantee that it be operated to its fullest capacity in the propagation of chinooks and steelheads. Mr. Van Dusen has also received a letter from the Oregon Fish Commission, of Empire City, requesting that a hatchery be established on the Coquille River.

GOLF AT VICTORIA

R. L. Macleay, of Portland, Won Driving Competition.

VICTORIA, B. C., April 5.—In the golf tournament here today, the winners of the first handicap match were decided. F. C. Gamble was first with a score of 103, less a handicap of 24; net score, 79. J. H. Gillespie was second with 81, less a handicap of 10; net score, 71. He received a handicap of 10. H. Coombe, who was handicapped minus three, and H. Gillespie, whose handicap was 18, were third, with 83 each. The actual scores were 36 and 30, respectively. The driving competition was won by R. L. Macleay, of Portland, whose drive was 197 yards, 2 feet. The best average driving was by W. White, of Tacoma.

LAND OFFICE BUSINESS

315 Homesteads Entered at La Grande in Last Three Months.

LA GRANDE, Or., April 5.—The La Grande Land Office, for the quarter ending March 31, received filings on 315 homesteads, covering 48,950 acres. Besides this, there have been 23 final proofs, covering 467 acres; 12 commuted homesteads, covering 1919 acres; 15 timber and stone land proofs and 15 entries, 31 original desert land proofs, four final timber culture, one preemption, one mineral land proof, and 14 state selections. The total receipts of the office for the quarter were \$12,322.78. The La Grande District comprises all of Union, Walla-walla and Umatilla counties and parts of Baker, Grant and Morrow counties.

GOVERNMENT'S TRIAL RUN TODAY

SEATTLE, Wash., April 5.—Lieutenant Commander George H. Peters, Lieutenant Commander A. B. Willis, Lieutenant Cleland Office, and Lieutenant R. C. Bulmer, the board of officers selected from the battle-ship Iowa for the trial of the torpedo-boat destroyer Goldsborough, arrived in the city this morning from Bremerton. They will remain in Seattle until the official trial of the boat is made. Assistant Naval Constructor L. S. Adams, United States Navy, although not of the Iowa, is one of the board and will judge the hull and general construction work of the boat destroyer. It was announced tonight that a trial trip will be made tomorrow, if the weather conditions are favorable.

FIFTEEN HUNDRED HOMESEEKERS

SPOKANE, April 5.—Between 1400 and 1500 homeseekers arrived in Spokane today over the Northern Pacific, Great Northern and Burlington. About 500 left the train and will visit the communities near this place. The others went on to the coast. Most of the travelers were in search of farm lands. The passengers included many Germans and Swedes.

OREGON NOTES

Leland may build a Town Hall. A competitive exhibit of butter, cheese and poultry at Hillsboro is proposed. In the horse race at Eugene Wednesday between Beane's newwilde and Roysse's Pustimona the former won by a length. The race was for \$1000. Considerable outside money was staked on the race. Mrs. B. Kitterman and sister-in-law, Mrs. B. Skeeters, came near meeting with a watery end while crossing Sucker Creek, says a Kerby correspondent. The tugs snapped and the horses would have left them in the buggy, had not Mrs. Skeeters bravely stepped out on the buggy tongue and made it safe. Work has commenced on the Grant's Pass-Williams telephone line, and the line will soon be in operation.

NEW LAW IS INOPERATIVE

OREGON ACT FOR BOUNTY ON SEALS, SEALIONS, ETC.

Attorney-General Holds It Was to Receive Funds From Office Which Has Been Abolished.

SALEM, April 5.—In answer to questions propounded him by Secretary of State Dunbar, Attorney-General Blackburn has rendered an opinion in which he holds that the act of the last Legislature authorizing the payment of a bounty on seals and sealions is practically inoperative. The act in question was known as Senate bill 112, and provided for the creation of a fund from money derived in the harbor business without first having obtained a certificate of registration, and Peterson is charged with employing Rogers as a barber when the latter had no certificate. The complaint was given to G. W. Buck, who represents the Seal Barbers' Commission in the matter. The cases will be tried Monday.

ASTORIA, Or., April 5.—The first proceedings in Astoria under the state law requiring barbers to have certificates of registration was commenced this afternoon, when Harry T. Rogers and A. Peterson were arrested on complaints filed in the Justice Court. Rogers is charged with engaging in the barber business without first having obtained a certificate of registration, and Peterson is charged with employing Rogers as a barber when the latter had no certificate. The complaint was given to G. W. Buck, who represents the Seal Barbers' Commission in the matter. The cases will be tried Monday.

FASCINATING SUMMER SILKS

The New Metallic Tulle, Tulle, Foulards, Novel Color Combinations. Subjects treated by Nina

IN THE SUNDAY OREGONIAN (Tomorrow).

NORTHWEST DEAD

Colonel Robert Wallace.

NEW YORK, April 5.—Colonel Robert Wallace is dead in Jersey City, aged 89 years. He served as a Captain in the United States Army in the Mexican War, was Colonel of a Western regiment in the Union Army in the Civil War, and after the war lived for many years in the State of Washington.

Dr. J. B. Watt, of Medford.

MEDFORD, Or., April 5.—Dr. J. B. Watt, a well-known physician, died at his home here today, aged 69 years. Death was due to pneumonia.

Funeral of Mrs. Mary Allphin.

COVINGTON, Or., April 5.—The funeral of Mrs. Mary Allphin took place from the home of her daughter, Mrs. W. F. Gray, yesterday afternoon. Death occurred Wednesday. Deceased was an Oregonian, 61 years of age. Her husband was the Anderson, of Missouri, who settled in the Waldo Hills in 1848. Mrs. Allphin was born near Glasgow, Mo., in 1832. In May, 1851, she married M. J. Allphin, a resident of several years in Portland, Salem and The Dalles, the family settled in Corvallis in 1871, where the deceased resided until her death. Six children were born to her, three of whom are now living. They are: Mrs. C. A. Chitwood, of Clifton, Or.; Thomas Allphin, of Bozeman, Mont.; Mrs. W. A. McBride, Eddyville, Or.; Joseph Allphin, of Northport, Wash.; E. G. Allphin and Mrs. W. F. Gray, of Corvallis.

Decision in Water-Right Suit.

PENDLETON, Or., April 5.—Judge Ellis has overruled the demurrers filed by defendants in the water-right case of E. Byers vs. G. W. Rigby et al. Byers brought suit against Rigby and other farmers who take water from the river for irrigation purposes. Byers claims the right to the water in his own right, and that the defendants are interfering with his right. The court has ruled in favor of Byers, and the case will go to the jury.

Litigation Over Post Lambert Settled.

NEW WHATCOM, Wash., April 5.—Settlement of the litigation affecting the Post Lambert mine, in the Mount Baker district, was effected here today. This mine was owned by the Post Lambert & Son, for \$150,000. They spent many thousands dollars developing it, but refused to make a second payment upon learning that a suit for a half interest in the property was about to be filed by J. C. Teutle, who claimed to have grabbed the discoverers of the property. Today's settlement recognizes Teutle's claim, and is effected upon a stock basis. The capital stock of the company is increased from \$100,000 to \$1,000,000.

Manager of the Seaboard.

RICHMOND, Va., April 5.—James M. Bar, vice-president of the Atchafalaya, Topoka & Santa Fe, has accepted the position of first vice-president and general manager of the Seaboard Air Line system, and will probably take charge May 1.

Hard Weather on Stock.

DALLAS, April 5.—Farming is suspended as a result of the cold rains which prevailed for the past two days. Range stock are suffering to a considerable extent from the weather, but no loss is anticipated.

Offer to Find Missing Girl.

COLFAX, Wash., April 5.—Henry M. McPhaul, City Marshal at Yuma, Ariz., wires the parents of the missing Laura Morgan that if the expense is guaranteed the girl will be found.

Store and Postoffice Burned.

ALBANY, Or., April 5.—Fire last night destroyed the building at Foster occupied by the Postoffice and P. O. Peterson's store. A few stamps were the only articles saved. Loss, \$9000; insurance, \$300.

Received at the Penitentiary.

SALEM, Or., April 5.—Frank Howard, convicted of burglary committed in Jackson County, was received at the Penitentiary today on a two-year sentence.

Monster Aerolite.

LIMA, Peru, April 5.—Advices from Pimentel tell of the passage of a beautiful aerolite over that place, March 31. In appearance it was as large as a full moon. It passed northwesterly over the town and dropped into the Pacific Ocean.

FAVOR A CUT IN EXPENSES

HOW SALEM CITIZENS WOULD AVOID OCCUPATION TAX.

ASK COUNCIL TO MAKE REDUCTION OF \$37,000, \$2500 BEING FOR LIGHTS—Views of Prominent Men.

Two Astoria Men Said to Be Paying Trade Without Licenses.

SALEM, Or., April 5.—The mass meeting of citizens at the City Hall tonight was just as unanimous in declaring against the occupation tax as was the meeting last Monday night in declaring in favor of it. The number attending the two meetings was about the same. W. M. Kaiser was elected chairman and Henry Myers secretary. The prevailing sentiment was voiced as follows: "P. S. Knight—If any tax other than a property tax is to be levied, it should be an income tax applying to all alike and should especially reach those who have an income, but no occupation. The corporate limits of the city should be extended so as to include all the people who get the benefits of city government. P. Northcutt—No occupation tax should be levied, until voted by the people at a special election. M. W. Hunt—It is impossible to make an occupation tax equitable. It is as great a tax as people should be asked to pay. An occupation tax on top of that would drive away immigrants and intending investors. The old volunteer fire department did better service than the paid department, and the expense of the latter should be reduced. J. A. Jeffrey—No tax should be levied that will discourage industry. John H. McNary—The occupation tax is wrong in principle and is unconstitutional. It has fastened on the people is never removed. Resolutions were adopted without a dissenting vote, asking the City Council to abolish street lights so as to save \$250 per year; require the Chief of Police to serve as chief of the fire department, saving \$300 per year; and reduce the compensation of hosemen, cutting expenses \$600 per year.

Capital City Brevities.

The County Court today called for bids for furnishing medical attendance and medicine for the inmates of the poor farm and paupers.

H. M. Buell, a paperhanger employed by Reed block, today fell from a scaffold, fractured his right wrist and severely sprained both ankles.

Work is soon to begin on the rebuilding of the Salem Flouring Mill, which burned in September, 1898.

Some time ago news was received here that Ross McCormack, a former Salem boy, had been arrested on a charge of robbery at Central Spur, Cal. It was learned today that he has been discharged.

Millita Company F. of this city, has secured grounds for target practice in Polk County, near Salem, and will begin practice as soon as the weather becomes fair.

DATE OF M'KINLEY'S VISIT.

Wires Governor Geer That He Expects to Reach Salem May 22.

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In response the following telegram was received: "Executive Mansion, Washington, D. C.

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FIGPRUNE BEST CEREAL COFFEE. Looks like coffee. Tastes like coffee. But there is not a grain of coffee in it. Consists entirely of California selected figs, prunes and grains—scientifically blended. Hot or cold, Figprune is never insipid—holds its flavor to the bottom of the cup. Free samples at your grocers. Ask for one. Boil from 5 to 10 minutes only. ALL GROCERS SELL Figprune Cereal.

Women Should be Careful! Menstruation is the most sensitive function of the female organism. Any physical disorder affects the menstrual flow. In turn irregular menses, profuse, scanty or suppressed, are the causes of much pain and many deaths. The loss of blood by a profuse flow drains the body of its strength. The face becomes pale and haggard and the chest hollow. Consumption is not far off. Suppressed and scanty menstruation result in falling of the womb, leucorrhoea, tumors and painful and dangerous blood diseases. With such certain disasters attending irregularity of the menses every woman should carefully guard the periodical habit. The Rev. M. D. Stacy, a minister of repute in his community, is authority for the statement that

WINE OF CARDUI completely cured his wife of menstrual irregularities. Its cure of over 1,000,000 suffering women stamps Wine of Cardui as the greatest emmenagogue ever made. If menstruation does not reappear every twenty-eight days go to your druggist and purchase a \$1.00 bottle of Wine of Cardui. Mrs. Stacy did that and this is her experience. Troublesome, Ky., July 27, 1900. My family and I think your medicines are the best in the world. My wife's menstrual periods have been very irregular, both in time and color, since December 1898. They would return every fifteen or twenty days and last from three to eight days. She would suffer almost death. She also had heart palpitation and every kind of ache and pain. I tried doctors and they gave no relief. I saw Wine of Cardui recommended and I went to a drug store and got a half dozen bottles. By the time she had used one bottle she was without pain and now she is able to do her household work. She is going through the change of life now. Rev. M. D. STACY. For advice and literature, address, giving symptoms, "The Ladies' Adjuvant Department," The Chittanooga Medicine Company, Chattanooga, Tenn.

TWO WAYS OF WASHING THE HARD WAY - THE EASY WAY. Why don't you try GOLD DUST Washing Powder and decide for yourself? GOLD DUST cleans everything from cellar to garret—clothes, furniture, wood-work, dishes, silver, kettles, pillows—everything. House work is hard without GOLD DUST. Get the large package. It's more economical. Made by THE N. K. FAIRBANK COMPANY, Boston, Philadelphia, Chicago, New York, Montreal, St. Louis. Makers of FAIRY SOAP.

Nursing Mothers

must keep in the prime of health. Each mother who does this not only herself, but more to the child whose present and future strength and development depend upon its mother's condition during the nursing period. A pure, gentle and invigorating stimulant and tonic is necessary to insure perfect health to the mother, and there is none so good as Duffy's Pure Malt Whiskey. It is a medicine, and used as such it aids digestion, stimulates and enriches the blood, nourishes the brain, builds up the nerves, and tones up the entire system. All druggists and grocers keep a bottle. Be sure you get the genuine. Sold by Duffy's Pure Malt Whiskey Co., Rochester, N. Y.